

6540. Adulteration of sweetened coconut. U. S. v. 263 Boxes of Sweetened Coconut. Decree of condemnation and destruction. (F. D. C. No. 11946. Sample No. 35491-F.)

LIBEL FILED: On or about March 4, 1944, Middle District of Georgia.

ALLEGED SHIPMENT: From on or about November 10 to 26, 1943, by MacSmith Meneses (Howard Preserving Co., Inc.), from Miami, Fla.

PRODUCT: 263 boxes containing a total of approximately 24,424 pounds of sweetened coconut, at Columbus, Ga.

LABEL, IN PART: (Box) "La Balear Habana Hecho en Cuba."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of moldy, sour, and rancid coconut.

DISPOSITION: March 13, 1944. The owner of the product, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

6541. Adulteration of filberts. U. S. v. 46 Sacks of Filberts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 12088. Sample No. 70822-F.)

LIBEL FILED: March 27, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about March 13, 1944, by C. A. Nordstrom, from Portland, Oreg.

PRODUCT: 46 sacks, each containing 75 pounds, of filberts, at Tacoma, Wash. Examination showed the presence of moldy nuts.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: April 20, 1944. The Brown & Haley Candy Co., Tacoma, Wash., having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The unfit portion was segregated and denatured.

6542. Adulteration of peanut butter. U. S. v. 46 Cases, 42 Cases, and 49 Cases of Peanut Butter. Default decrees ordering portion of product disposed of as hog feed and remainder destroyed. (F. D. C. Nos. 12067, 12706. Sample Nos. 36757-F, 36758-F, 58025-F.)

LIBELS FILED: March 23 and June 16, 1944, Districts of Utah and Idaho.

ALLEGED SHIPMENT: From on or about September 29, 1942, to September 21, 1943, by the Robertson Peanut Co., Clayton, Ala.

PRODUCT: Peanut butter: 46 cases, each containing 24 1-pound jars, at Salt Lake City, Utah; and 42 cases, each containing 12 1½-pound jars, and 49 cases, each containing 24 1-pound jars, at Twin Falls, Idaho.

LABEL, IN PART: "Delicious Brand Peanut Butter."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of beetle fragments in one portion and insect fragments and dirt in the remainder.

DISPOSITION: On May 27 and August 24, 1944, no claimant having appeared, the lot at Salt Lake City was ordered disposed of as hog feed, and the lot at Twin Falls was ordered destroyed.

6543. Misbranding of peanut butter. U. S. v. 51 Cases of Peanut Butter. Decree of condemnation. Product ordered destroyed. (F. D. C. No. 12140. Sample No. 43795-F.)

LIBEL FILED: April 14, 1944, District of Kansas.

ALLEGED SHIPMENT: On or about February 2, 1944, by the Geo. Hogue Mercantile Co., from Kansas City, Mo.

PRODUCT: 51 cases, each containing 12 jars, of peanut butter at Wichita, Kans.

LABEL, IN PART: (Jar) "Net Wt. 1 Lb. 8 Oz. Missouri Valley Brand Peanut Butter."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the labeling, "Enriched With High Protein Soya Product," and "Net Wt. 1 Lb. 8 Oz.," were false and misleading as applied to the article, which contained no soya product, and which was less than the declared weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 15, 1944. The owner of the product having admitted the violations charged in the libel, judgment of condemnation was entered and the product was ordered destroyed.

6544. Misbranding of peanut butter. U. S. v. 25 Cases of Peanut Butter. Default decree of condemnation. Product ordered delivered to local charitable institutions. (F. D. C. No. 12004. Sample No. 79205-F.)

LIBEL FILED: March 13, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about December 30, 1943, by Princess Pecans, Inc., from Camilla, Ga.

PRODUCT: 25 cases, each containing 24 jars, of peanut butter at Washington, D. C.

LABEL, IN PART: (Jars) "King O'Nuts Fresh 1 Lb. Net Wt. Peanut Butter."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "1 Lb. Net Wt." was false and misleading as applied to an article that was short weight; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: May 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions.

6545. Misbranding of peanut butter. U. S. v. 29 Cases, 98 Cases, and 232 Cases of Peanut Butter. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 11902. Sample No. 35590-F.)

LIBEL FILED: February 25, 1944, Western District of North Carolina.

ALLEGED SHIPMENT: On or about December 8, 1943, by the W. B. Roddenbery Co., from Cairo, Ga.

PRODUCT: 359 cases, each containing 24 jars, of peanut butter, at Charlotte, N. C.

LABEL, IN PART: (Jars) "Happy Kids Brand * * * Peanut Butter * * * Net Wt. 8 $\frac{3}{4}$ Oz. [or "12 Oz." or "1 Lb."]."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements "Net Wt. 8 $\frac{3}{4}$ Oz.," "Net Wt. 12 Oz.," and "Net Wt. 1 Lb." were false and misleading as applied to the article, which was short weight; and, Section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 27, 1944. The W. B. Roddenbery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6546. Misbranding of peanut butter. U. S. v. 72 Cases, 165 Cases, and 190 Cases of Peanut Butter. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 12132. Sample Nos. 35690-F to 35692-F, incl.)

LIBEL FILED: On or about April 6, 1944, Western District of South Carolina.

ALLEGED SHIPMENT: From on or about February 11 to March 8, 1944, by the Colonial Stores, Inc., from Atlanta, Ga.

PRODUCT: Peanut butter: 72 cases, each containing 12 jars, and 355 cases, each containing 24 jars, at Greenville, S. C.

LABEL, IN PART: (Jars) "Tellam's High Grade Brand Peanut Butter * * * Net Wt. 1 Lb. 8 Oz. [or "1 Lb.," or "Wonder Brand Peanut Butter * * * Net Weight 1 Lb.,"] Mfd. by Wm. Tellam Co. Inc. Atlanta, Ga."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the label, "Net Wt. 1 Lb. 8 Oz.," or "Net Wt. 1 Lb.," were false and misleading as applied to the article, which contained less than the declared weight; and section 403 (e) (2), it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: April 6, 1944. William Tellam, claimant, having admitted the allegations of the libel, except as to the amount seized, judgment of condemnation was entered and the product was ordered released under bond to be filled to declared weight, under the supervision of the United States marshal.

6547. Adulteration of shelled peanuts. U. S. v. 484 Bags of Shelled Peanuts. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11794. Sample No. 64843-F.)

LIBEL FILED: February 17, 1944, Western District of Washington.

ALLEGED SHIPMENT: On or about September 8, 1943, from Gorman, Tex.